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COMMITTEE ON THE RIGHTS OF THE CHILD

Third session

SUMMARY RECORD OF THE 61st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 20 January 1993, at 3 p.m.

Chairman: Mr. EUFEMIO

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The meeting was called to order at 3.30 p.m.

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION (agenda item 11) (continued)**

Initial report of Viet Nam (continued) (CRC/C/3/Add.4; list of issues CRC/C/3/WP.5)

1. At the invitation of the Chairman, Mrs. Tran Thi Thanh Thanh, Mr. Nguyen Luong, Mr. Lam Ngoc Bao, Mr. Hoang Phuoc Hiep and Mrs. Ha Thi Ngoc Ha (Viet Nam) took seats at the Committee table.

2. The CHAIRMAN invited members of the Committee who wished to do so to put additional questions to the Vietnamese delegation on family environment and alternative care (chapter V of the report). The Vietnamese delegation had responded to the Committee's written questions on those subjects at the previous meeting.

3. Mr. KOLOSOV said that, every year, about 100 Vietnamese children were adopted by Swedish families. He asked whether the Vietnamese authorities were kept informed of the children's situation and, if so, through what channels. For example, was there an agreement on the matter between the Swedish Government and the Government of Viet Nam?

4. Mr. HAMMARBERG said that, according to the report, 9 per cent of children in Viet Nam not living with their immediate family were placed under the guardianship of the State (para. 129). He would like to know whether those children were placed in special institutions and if so how those institutions were managed.

5. A comprehensive national survey of children deprived of a family environment would not only be instructive, as noted in paragraph 130 of the report, but also extremely useful, as could be seen from surveys of that kind in other countries, since it would greatly facilitate the search for solutions.

6. Mrs. TRAN THI THANH THANH (Viet Nam) (assisted by her delegation) said in reply to Mr. Kolosov that the Vietnamese were kept informed of the situation of Vietnamese children adopted abroad and, in particular, received photographs of the children. There was not, to her knowledge, a specific agreement between the Swedish Government and the Vietnamese Government in that matter. It should be explained in that connection that Viet Nam had taken part in a number of conferences on adoption, in particular the one held in the Netherlands a little more than a year ago. Viet Nam endorsed the basic principles formulated at those conferences.

7. The Ministry of Labour estimated the number of street children at about 50,000. Viet Nam would like the international organizations to help it in carrying out a comprehensive investigation into that phenomenon. Viet Nam, through the Committee for the Protection and Care of Children, was doing its best to improve the position of those children and hoped, in a few years, to be able to provide the Committee with more specific figures and information on the solutions found to that problem.

8. Mgr. BAMBAREN GASTELUMENDI asked what happened when a family had more than two children. It was clearly stated in paragraph 114 of the report that married couples were strongly encouraged to have no more than two children. Were the rights of the third child and subsequent children limited, in particular in regard to health and education, as was the case in some countries?

9. Mrs. TRAN THI THANH THANH (Viet Nam) (assisted by her delegation) said that the State encouraged families to have only two children by stressing education in order to make people aware of the problem. She would point out that the third child and subsequent children had the same rights as the first two as far as education and health were concerned. It could, however, happen that certain local authorities took measures in that field which went beyond the policy advocated by the Government. In any event, it was not government policy to punish families which had more than two children.

10. The CHAIRMAN invited the Vietnamese delegation to respond to the Committee's questions on basic health and welfare, education, leisure and cultural activities, and lastly, special protection (chapters VI to VIII of the report). The written questions applied to items 31 to 46 of the list in document CRC/C/3/WP.5.

## Basic health and welfare

31. What plans are there to prevent the seasonal occurrence of malnutrition?

32. To what extent is the national budget allocated for health care? To what extent is the health budget oriented towards children?

33. What plans are there to improve the system of education and training for health personnel?

34. What long-range plans are there for spreading the community-based rehabilitation approach on disability to all provinces?

35. What steps are being taken to give disabled children the possibility to attend school? What plans are there to provide education possibilities for blind, deaf and dumb chldren? (Paras. 177 to 178 of the report.)

## Education, leisure and culture

36. What specific programmes exist for preventing school drop-outs?

37. From what grade is there a fee for schooling? What is the level of that fee? What is done to enable children from poor families to continue their education?

38. To what extent has the decision to teach in minority languages been implemented?

39. What plans are there to ensure a sufficient number of teachers in the school system, to enhance their competence, and to ensure adequate educational facilities?

Special Protection

40. What special steps are taken to guarantee a smooth reintegration into society of returnee children?

41. In what situations may children be deprived of their liberty? How can the legality of such decisions be challenged before a court or before another competent, independent and impartial authority?

42. What safeguards are there to protect the rights of children under 16 who are accused of having infringed the law? (Article 40 of the Convention.)

43. Are the judicial procedures for children between 16 and 18 years of age different from those for adult law offenders?

44. What specific rules are there for the treatment of juvenile detainees? What types of institutions exist for their custody? How are the conditions in such institutions monitored? Are there complaints procedures in cases of ill-treatment? What education and health facilities are there in these institutions? To what extent have personnel in these institutions received training about the provisions of the Convention and about international rules concerning the treatment of juvenile offenders?

45. What further steps have been taken to prevent hazardous child labour? Have the regulations under the Labour Code been adopted, especially in regard to permissible kinds of work for younger workers? To what degree does the labour inspectorate supervise implementation?

46. What measures have been taken to facilitate the integration of young workers, above the minimum age of employment, into the workforce, and with what success?

11. Mrs. TRAN THI THANH THANH (Viet Nam) (assisted by her delegation), responding to question 31 on seasonal malnutrition, said that it was indeed sometimes difficult to make ends meet just before the harvest, but that malnutrition was more closely linked to shortages of vitamin A, iodine, iron and in particular protein. To remedy the shortages, particularly in the mountain regions, the Government distributed to the people such medicaments as hydrating salts and iron and vitamin A capsules. However, for lack of means, it was unable to do all that was needed in that respect. With the assistance of UNICEF and the National Institute for Nutrition, the Government was currently implementing a plan for the supervision of food distribution and nutrition in general. Steps had also been taken to warn the population in advance of floods, droughts and other natural disasters. Viet Nam was also putting into effect another plan, known as "Home Food Security" with the assistance of UNICEF. It was designed to teach households how to manage foodstocks and prepare balanced meals. Lastly, in 1993, the Government planned to undertake a national campaign against malnutrition among women and children. Efforts in education, together with the mobilization of resources

and training of qualified personnel, had made it possible to obtain good results. The Vietnamese Government hoped to be able to reduce the rate of malnutrition among the population still further.

12. As to question 34, on the community-based rehabilitation programme for disabled children, the rehabilitation of disabled children with community help appeared to be an effective strategy. An educational campaign directed at administrators at various levels had been put into effect to stress the importance of the part played by family and neighbours in rehabilitating disabled children. Training courses had also been organized for social workers, who could then pass on the techniques they had learned to the parents of disabled children and other persons responsible for taking care of them. Viet Nam now had almost 2 million disabled children and therefore stood in great need of the help of the international organizations in coping with the problem.

13. Responding to question 35, on the access of blind or deaf and dumb children to education, she said that training courses were organized for health personnel and teachers dealing with disabled children. Special schools took in some blind or deaf and dumb children. There were also special classes in regular schools for disabled children.

14. As to question 39, on teacher training, the Government was currently reorganizing the network of teacher training centres with a view to increasing the number of teachers, particularly for primary education, and improving the quality of education. A new pay scale for teachers had also been introduced to attract gifted persons to teaching. Bonuses were also paid to teachers who undertook to work in difficult regions. The Government was doing its best to enhance the qualifications of teachers and improve school equipment, inter alia, by increasing the budget for national education. It was also in the process of setting up a fund for education and was planning to seek loans from foreign countries.

15. In reply to the question from Mgr. Bambaren Gastelumendi, she said that school dropouts were in fact on the increase, as a result of the financial difficulties facing families, as well as the poor quality of education and the long distances children living in isolated areas sometimes had to cover to get to school. To solve the problem, the Vietnamese authorities were providing financial assistance for families in difficulty, had set up schools where children could receive a general education while at the same time following vocational training courses, and were trying to improve the quality of education.

16. Explaining further the steps taken to guarantee the smooth reintegration of returnee children into society (question 40), she emphasized that such children were not subjected to any kind of discrimination and could continue their studies or vocational training on the same footing as any other Vietnamese. Children under the age of 16 whose parents lived in Viet Nam could return to the country to continue their education until the age of majority. Orphans were looked after in special centres up to the age of 18 and their education was partly financed from international funds. Children between the ages of 16 and 18 could return to Viet Nam in perfect security under the voluntary repatriation programme.

17. In regard to child labour (question 45), she explained that, under the terms of the 1990 decree on labour contracts, children under the age of 15 could not work without the authorization of their parents or guardian, while those over 15 could be employed, but not on hard, hazardous or harmful work. The employment of children was subject to a very strict system of inspection.

18. Mr. KOLOSOV said he would like the Vietnamese delegation to explain the exact age of majority. According to paragraph 63 of the Vietnamese report (CRC/C/3/Add.4), article 1 of the Law on the Protection, Care and Education of Children defined children as all citizens under 16 years of age; however, a reading of the article in question showed no reference to any particular age. Furthermore, in its replies to questions, the Vietnamese delegation had several times referred to children between the ages of 16 and 18. If persons between 16 and 18 were regarded as children, they should be protected under the Convention on the Rights of the Child and the age of majority should therefore be 18.

19. Mr. MOMBESHORA asked for more information on malaria, which, according to the Vietnamese delegation, was increasing and posed a serious threat to the country. He would like to know the number of cases of malaria and the number of deaths from the disease. Was the disease endemic or was it a matter of epidemics, what programmes were being put into effect to combat the scourge, and had any resistance to treatment been observed?

20. As to the question of malnutrition, perhaps the problem might be one of diet rather than food shortages.

21. Lastly, he wondered why the Vietnamese authorities were concerned about breast-feeding when 96 per cent of mothers breast-fed their children up to the age of three months and 93 per cent up to six months. Was it because those percentages were declining, or was it because it was thought that the figure should be 100 per cent?

22. Mrs. SANTOS PAIS said that, as she understood it, young people between 14 and 16 years of age who had committed a serious crime such as high treason were recognized as being responsible for their acts for penal purposes and could be sentenced to imprisonment; however, young people between 14 and 16 were often manipulated and committed crimes or offences without being really aware of the motives and consequences of their acts. She wondered, therefore, whether the legal system should not rather be encouraged to punish the people who manipulated the children and not the children themselves, who were in fact being exploited and punished because of it.

23. Although the penalties for young offenders were generally lighter than for adults, young offenders could be sentenced to 20 years of hard labour and she wondered whether that did not make reintegration in society impossible. She would also like to know whether young offenders were held in custody awaiting trial or whether they could remain in freedom while awaiting sentence, and whether they received legal aid. Again, was sentencing to long periods of imprisonment motivated by a desire to be severe on crime and to punish the guilty at the expense of possibilities for the reintegration of young offenders in society? Lastly, with reference to article 40 of the

Convention, she asked what safeguards were available to children suspected or accused of infringing the penal law, in particular whether they were presumed innocent, whether they were promptly and directly informed of the charges against them, whether they received legal or other appropriate assistance in preparing and presenting their defence, whether their case was heard without delay by a competent, independent and impartial authority, whether they could be compelled to plead guilty and whether their privacy was fully respected at all stages of the proceedings.

24. Mr. GOMES DA COSTA, noting that justice was administered in Viet Nam under a special system, asked whether the Vietnamese legal authorities were acquainted with the international standards that supplemented the provisions of the Convention regarding justice and minors, namely the United Nations standard minimum rules for the administration of juvenile justice, the United Nations rules for the protection of juveniles deprived of their liberty and the United Nations guidelines for the prevention of juvenile delinquency, and what the authorities' attitude was towards them. Viet Nam was a member of the International Criminal Police Organization (INTERPOL), which dealt, among other things, with children who were used by adults to commit wrongful acts, and he wondered whether children charged with spying or treason should not be placed in that category.

25. Mr. HAMMARBERG said he too would like more information on the administration of justice for minors. The question had been dealt with in less detail in the Vietnamese report and it was important to emphasize the situation of young people in difficulty because they rarely had a voice in society. Paragraph 229 of the report stated that no convicted offender under the age of 18 had been sentenced to life imprisonment or to the death penalty. Did that mean that children between 16 and 18 could not be sentenced to such penalties, or that they could but that no crime had so far justified any sentence of that kind? If the latter was the case, it might well be contrary to the provisions of the Convention.

26. Mrs. MASON asked whether there were juvenile courts and judges who specialized in dealing with juvenile delinquents, and whether children who were the subject of legal proceedings received legal assistance and help from social services that looked after their interests. She would also like to know the Government's attitude towards child prostitution and child pornography, and what steps were being taken in that regard.

The meeting was suspended at 4.40 p.m. and resumed at 4.55 p.m.

27. Mrs. TRAN THI THANH THANH (Viet Nam) (assisted by her delegation) said, in response to the questions about health, that some parts of Viet Nam and the southern part in particular had been affected by a resurgence of malaria in the last two years. The Government was doing its best to combat the disease, which was endemic and which, over nine months in 1992, had caused more than 500 deaths, one-third of them children. Mobile health-service teams had been sent to the areas affected. Those areas had received financial assistance from the State and would be given increased budget allotments for the provision of drugs. Since malaria was to some extent resistant to current drugs, the Vietnamese health authorities had tried to find a new type of medicament. Drugs were available for ordinary cases in

almost adequate amounts but there was a shortage of drugs for serious cases. The authorities were short of medicaments administered by injection in particular; only 6 per cent of requirements were covered in that connection.

28. Breast-feeding was a well-established tradition in Viet Nam. However, difficulties could arise for women who were physically weak. Viet Nam had just concluded an agreement in that connection with an international organization, and the Ministry of Health had published guidelines to encourage breast-feeding and dissuade the media from publishing information on products to replace mothers' milk. Hospitals, moreover, were not authorized to sell powdered milk freely. With those measures, the rate of breast-feeding should increase.

29. As to Mrs. Mason's question about prostitution and pornography, the Government was taking various steps to deal with those social evils and prevent them from spreading. In order to combat prostitution, the authorities were seeking to create jobs and to set up vocational training schools. They severely punished the organizers of prostitution, the pimps and the owners of brothels, and were at the same time carrying out an educational campaign among the people. The Government had also issued a number of regulations and rules against the introduction of pornography. Establishments which were suspected of serving as a front for pornographic activities were subject to inspection. Persons transporting or possessing pornographic works were severely punished. Viet Nam needed time to deal with those problems and it was clear that, to do so, it would have to apply economic measures.

30. Mr. HOANG PHUOC HIEP (Viet Nam) (assisted by his delegation) said in response to the questions put by Mr. Kolosov, that in Viet Nam the age of majority and the age at which a person ceased legally to be a child did not coincide. "Child" in that context meant both a Vietnamese child and a foreign child living in Viet Nam. The age of majority was 18. Articles 57 to 67 of the Penal Code provided that no sentence of life imprisonment or death could be imposed on persons under 18 years of age. The Penal Code also contained several provisions aimed at defending the rights of persons under the age of 18. The Code was shortly to be amended in order to bring it into line with world developments.

31. The CHAIRMAN invited members of the Committee to make their concluding remarks on the consideration of the initial report of Viet Nam.

32. Mr. HAMMARBERG said that Viet Nam had been the first country in Asia and one of the first countries in the world to sign and ratify the Convention on the Rights of the Child. It was also one of the first to submit a report to the Committee. It was gratifying that Viet Nam had sent such a high-level delegation. He thanked the members of the delegation for their detailed replies to the many questions that had been asked. It was encouraging to see all the effort that Viet Nam was putting into making the rights of the child a reality. To that end, Viet Nam had amended its Constitution in order to incorporate the rights of the child, had changed the country's administrative structure and had set up a Committee for the Protection and Care of Children, which was responsible for ensuring respect for children's interests. The many questions asked by the Committee reflected its interest in the future of Vietnamese children. The Committee's concerns were largely identical with

those formulated with the Vietnamese report. In that connection, the Committee greatly appreciated the open-mindedness and critical spirit on the part of Viet Nam, as reflected in the report and in the replies to questions.

33. It would be important for the Government to have the Convention translated into the minority languages and to arrange to publish its report in Viet Nam together with the Committee's observations in order to show how the work had proceeded and what type of questions had been asked. They were questions which to a large extent coincided with the concerns expressed by the delegation regarding the decisions that needed to be taken in the context of the Vietnamese political system. Economic growth might well make it possible to assign more resources to improving the situation of children. It was clear, however, that in some parts of the country, particularly in the large cities, the massive economic reforms undertaken in Viet Nam had already created such social problems as increased crime, prostitution and the phenomenon of street children, for example. The members of the Committee were therefore agreed in considering that it would be necessary to emphasize still further the steps that should be taken to prevent children from becoming the victims of economic reforms. In the Committee's opinion, it was very important that Viet Nam should, as suggested in the report, carry out a national survey of the problem of the 50,000 street children, in order to form an idea of the scope and roots of the problem as well as possible solutions.

34. The Vietnamese report laid stress on the problem of collecting data, engaging in research and evaluating the progress achieved in implementing the Convention. The Committee hoped that Viet Nam would be able to benefit from the cooperation of the United Nations or UNICEF or of other Governments in that field.

35. Lastly, for lack of time, it had not been possible to examine in detail the question of justice for minors. The Committee would like to receive additional information in that connection, if possible before the meeting of the pre-sessional working group to be held in June 1993.

36. Mr. GOMES DA COSTA welcomed the interest shown by the Vietnamese Government in the rights of the child. Viet Nam had been the first Asian country and the second country in the world to ratify the Convention without reservation. It had submitted its report in due time and made all the necessary efforts to familiarize its people with the Convention through special publications. He also noted with satisfaction that the behaviour of Vietnamese officials towards children had changed in all areas of public administration, and he had great hopes of the planned reform of the legislation relating to children in conflict with the law. Lastly, the Vietnamese people were known throughout the world for their courage in the face of adversity, and he hoped that the 1990s would be favourable to Vietnamese children despite all the economic and structural difficulties the country was experiencing.

37. Mrs. SANTOS PAIS thanked the Vietnamese delegation for all the information it had provided to the Committee, thus demonstrating its interest in implementing the Convention on the Rights of the Child. She shared the views expressed by Mr. Hammarberg and it was her hope that the Vietnamese Government would take all appropriate steps to see that the period of economic

transition did not prove detrimental to children. In that context, she drew attention to three subjects of concern. First, she was anxious about the real situation in regard to torture in the detention centres for young people, and trusted that the independence of the persons responsible for inspecting the detention centres was ensured and that children had an opportunity to make complaints to an independent and impartial authority. Second, she wished to emphasize that, under article 37 of the Convention on the Rights of the Child, the detention or imprisonment of a child should be used only as a measure of last resort and for the shortest possible period of time. The long periods of detention referred to by the Vietnamese delegation were not in accordance with the spirit of the Convention. Moreover, it should not be forgotten that children who became adults in prison lost any hope of taking on a constructive role in society. Third, Viet Nam should give more importance to rehabilitation, in other words, to non-repressive educational programmes designed to educate delinquents and strengthen their capacity and desire for reintegration in society, in accordance with article 40 of the Convention on the Rights of the Child. The provisions of that article constituted a set of minimum rules which Viet Nam should take into account in revising its Penal Code. It was gratifying, however, that training courses were to be set up for jurists and persons responsible for implementing the law, in order to give them a better grasp of the spirit of the Convention. Lastly, she was pleased to note the open-mindedness shown by the Vietnamese delegation throughout the working meetings.

38. Mgr. BAMBAREN GASTELUMENDI thanked the Vietnamese delegation for the valuable information in its report, which reflected the Vietnamese Government's good intentions towards children from the point of view of cultural, family and religious values. There were, however, many obstacles, owing to the reconstruction (Doi Moi) and to Viet Nam's changeover from a traditional to a modern society. He hoped that, during that political, economic and social transition, the Government would always see that the higher interests of children took first place, by making society more responsible for them.

39. Mrs. MASON said she too recognized the determination of the Vietnamese Government to honour the obligations it had undertaken with regard to children under the Convention on the Rights of the Child. However, many problems remained to be solved. One example was the question of legal responsibility, and she shared the concern of all the other members of the Committee about the length of sentences young people had to serve (up to 20 years). Discrimination still existed in Viet Nam, although there were encouraging signs of change. It was regrettable, however, that article 12 of the Convention, which stipulated that children capable of forming their own views should have the right to express those views freely, was hardly applied, particularly in regard to children in the regions; she was in favour, in addition to legislative changes, of making arrangements for more direct contact with the population of those regions. She was also concerned about the system of justice for minors. In addition, questions concerning pornography, child prostitution and drug addiction should receive increased attention. Nevertheless, she would conclude on a positive note and urge the Vietnamese people to remain faithful to their traditional attitude to the family. As President Ho Chi Minh had said, "To reap a return in 10 years, plant trees; to reap a return in 100, cultivate the people".

40. Mr. KOLOSOV said he welcomed the fact that the Vietnamese Government was taking children's problems seriously and making every effort to solve the difficulties that existed. However, the Government was not making full use of all the possibilities open to it. In terms of legislation, for example, new laws taking into account the provisions of the Convention on the Rights of the Child were necessary, but must be put into effect throughout the country. It was disturbing that there was a gap in the law as far as young people between 16 and 18 years of age were concerned and he urged the Ministry of Justice to fill that gap. The Vietnamese Government should make a determined effort to solve problems of discrimination, against ethnic minorities among others, and should combat the notion of "privileges", which was so widespread in socialist societies and which, he believed, constituted a flagrant violation of the principle of non-discrimination. In conclusion, he urged the Pioneers organization, which was very powerful throughout the country, to play a more active role in spreading information on the Convention on the Rights of the Child. He realized that Viet Nam was going through a very difficult period, but additional efforts should be made at such a time to improve the situation of children.

41. The CHAIRMAN asked the Vietnamese delegation whether it wished to speak after the Committee's concluding remarks.

42. Mrs. TRAN THI THANH THANH (Viet Nam) said that it was the first time that a Vietnamese delegation had come to Geneva to report on the implementation of the Convention on the Rights of the Child. The three working meetings had been most instructive and her delegation wished to thank the members of the Committee sincerely for their constructive attitude and, above all, for their understanding of the Vietnamese people. The people of Viet Nam were undergoing serious economic difficulties, but were still determined to act in the interests of children. Her delegation welcomed all the specific proposals made by the Committee for the welfare of children.

43. The CHAIRMAN joined the other members of the Committee in thanking the Vietnamese Government for sending such a high-level delegation, which had enabled the Committee to form a better understanding of Viet Nam's concern for the rights of children. The Committee hoped that the Vietnamese Government would promptly provide some of the replies requested, in particular on the question of justice for minors, and that, in five years time, the second report, under article 44 of the Convention, would contain all the desirable information.

The meeting rose at 6.05 p.m.